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9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,	) NO. CR 18-416 JD
	)
14 Plaintiff,	) STIPULATED REQUEST TO SET CHANGE OF
	) PLEA HEARING AND TO EXCLUDE TIME
15 v.	) UNDER THE SPEEDY TRIAL ACT
	)
16 ARTHUR MITCHELL,	)
	)
17 Defendant.	)
	)
18 _____	)

19  
20 The parties last appeared in the captioned case on February 20, 2019. The parties now request  
21 that the matter be set on April 17, 2019, for further proceedings as set forth herein.

22 The defendant by and through defense counsel, Joyce Leavitt, requests that the matter be put  
23 over for change of plea or motions/trial setting on April 17, 2019, to give the defense time to obtain  
24 additional information on the defendant's state supervision status at the time of his arrest for conduct  
25 leading to the federal charges. In addition, defense counsel will be out of the office for at least one week  
26 prior to April 17, 2019. The United States agrees.

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28 ///

Stip. and [Proposed] Order  
CR 18-416 JD

1 Accordingly, the parties request that the Court add this matter to its criminal calendar on April  
2 17, 2019, at 10:30 a.m., for change of plea or motions/trial setting.

3 For the reasons set forth herein, the parties agree that time is appropriately excluded under the  
4 Speedy Trial Act between February 20, 2019, and April 17, 2019, for effective preparation of defense  
5 counsel and continuity of defense counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

6  
7 Respectfully submitted,

8 DAVID L. ANDERSON  
9 United States Attorney

10 Dated: February 22, 2019

/s/ Brigid Martin  
BRIGID S. MARTIN  
Assistant United States Attorney

12  
13 Dated: February 22, 2019

/s/ Joyce Leavitt  
JOYCE LEAVITT  
Attorney for Defendant

14  
15  
16 **[PROPOSED] ORDER**

17 Based on the parties' joint stipulation and request, IT IS HEREBY ORDERED that this matter is  
18 set for change of plea or motions/trial setting on April 17, 2019, at 10:30 a.m.

19 In addition, based on the parties' assertions and agreement of the parties as set forth in the  
20 parties' filed stipulated request, the Court finds that failing to exclude the time between February 20,  
21 2019, and April 17, 2019, would unreasonably deny defense counsel the reasonable time necessary for  
22 effective preparation, taking into account the exercise of due diligence and availability of defense  
23 counsel. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by  
24 excluding the time between February 20, 2019, and April 17, 2019, from computation under the Speedy  
25 Trial Act outweigh the best interests of the public and the defendants in a speedy trial.

26  
27 Accordingly, IT IS HEREBY ORDERED that the time between February 20, 2019, and April  
28 17, 2019, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C.

1 § 3161(h)(7)(B)(iv).

2  
3 IT IS SO ORDERED.

4 DATED: February 25, 2019

